

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION MINUTES**

**April 12, 2006**

**I.  
PLEDGE OF  
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Ali-Santosa, Azevedo, Ciardella, Galang, Mandal, Tabladillo and Williams

Absent: None

Staff: Bejines, Carrington, Hom and Pio Roda

**III.  
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.  
APPROVAL OF MINUTES  
March 22, 2006**

Chair Williams called for approval of the minutes of the Planning Commission meeting of March 22, 2006.

Staff had no changes.

**Motion** to approve the March 22, 2006 minutes.

M/S: Mandal/Azevedo

AYES: 5

NOES: 0

ABSTENTIONS: 2 (Ali-Santosa and Tabladillo)

**V.  
ANNOUNCEMENTS**

Commissioner Mandal asked staff for status about the fenced off building at the corner of Milpitas Blvd. and Dixon Landing. Staff said that the property owner has talked to staff about redeveloping it as a 3 level structure that would include retail office and residential. Staff sent out the architectural design for peer review and the applicant is reviewing the design as well. Should be coming back to the Commission within the next six months.

Commissioner Ali-Santosa announced that he and Commissioner Tabladillo attended the Planners Institute on March 22<sup>nd</sup> through March 24<sup>th</sup> and recommended two books for the Commissioners to read – “Strengthening the Citizen’s and City’s connection” and “Creating Great Neighborhoods”. He also brought back an informational flier on a banner saver bracket.

Chair Williams asked the Commissioners if they would recommend for staff to purchase the materials and Commissioner Tabladillo said yes because those were the two books that stood out the most.

Commissioner Ali-Santosa also noted that the materials will be available on the League of California Cities website.

**VI.  
CONFLICT  
OF INTEREST**

Assistant City Attorney Richard Pio Roda asked if the Commission has any conflict of interest on tonight’s agenda.

There were no Commissioners that identified a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Chair Williams called for approval of the agenda.

Staff had no changes.

**Motion** to approve the agenda.

M/S: Azevedo/Mandal

AYES: 7

NOES: 0

**VIII.  
CONSENT CALENDAR  
Item No. 2**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Staff had no changes to the consent calendar.

Chair Williams opened the public hearing on Consent Item No. 2.

There were no speakers from the audience.

**Close the public hearing**

**Motion** to close the public hearing on consent Item No. 2.

M/S: Azevedo/Mandal

AYES: 7

NOES: 0

**Motion** to approve the consent calendar on Consent Item No. 2.

M/S: Azevedo/Ciardella

AYES: 7

NOES: 0

**\*2 MINOR TENTATIVE PARCEL MAP NO. MI2005-4** (*Continued from March 22, 2006*): A request for a two-lot subdivision of a .38-acre site located at 387 Rudyard Street. (*Approve with Conditions*)

**IX.  
PUBLIC HEARING**

**1. "S" ZONE APPROVAL  
NO. SZ2005-12**

Cindy Hom, Junior Planner, presented a request to construct a 5,994 square foot single-story residence, detached second unit, and various landscape amenities including a covered patio and in-ground pool and spa on an undeveloped parcel located at 1000 Piedmont Road and recommended to approve the project with conditions to City Council.

Commissioner Tabladillo asked if the applicant will build a retaining wall along Piedmont Road and Ms. Hom responded that the applicant would build a wrought iron fence.

Commissioner Ali-Santosa needed clarification on condition no. 13 that reads below and asked if it includes Piedmont Road. He is concerned that the debris from the construction will get into the storm drains.

*13a. Watering all active construction areas twice daily and mover often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.*

Mr. Carrington said there is a standard condition of approval taken from the Storm Water Pollution Prevention Program that keeps mud from crossing onto Piedmont Road.

Commissioner Ali-Santosa asked if staff put a condition on the project relating to traffic during construction times because the road is heavily traveled with parents driving their kids to school. Chair Williams also asked if there is a state requirement that says the speed limit along Piedmont Road needs to be reduced because of construction.

Assistant City Attorney Pio Roda said that he would have to look into that and get back to the Commission.

Mr. Carrington added that the Commission could recommend a speed limitation during construction hours or add a sign telling drivers to slow down.

Commissioner Ali-Santosa recommended that the applicant post a sign to reduce the speed or limit construction traffic around rush hour.

Chair Williams suggested that unless the Assistant City Attorney finds that there is a state required condition, and if there is not, staff can add a condition that requires the construction company to place appropriate construction speed limits signs.

Commissioner Mandal asked if there is a sewer line that connects the home to the City. Ms. Hom said yes and showed that the line would have to be trenched from Crethaven to the north corner of the parcel.

Commissioner Mandal asked if there is a rupture in the sewer line, could the City get to it quickly. Mr. Carrington said that the line itself would be built to engineering standards and there is no structure over it so it should be accessible should a rupture occur.

Commissioner Mandal asked if the applicant is taking advantage of solar energy. Ms. Hom deferred the question to the applicant.

Commissioner Ciardella asked what is the status of the nearby cul-de-sac because it looks abandoned and badly damaged. He asked if it is from wear and tear or slope problems. Ms. Hom said that the cul-de-sac has slope problems and has not been properly maintained.

Commissioner Ciardella asked whom does the cul-de-sac belong to and what do they plan on doing with it. Mr. Carrington said the City owns the land and the applicant has no desire to purchase it.

Commissioner Ciardella asked if the City would expect someone to purchase it. Mr. Carrington said that any structure would have to follow the zoning requirements. If the City was to offer the land to the applicant, they could purchase it.

Commissioner Ciardella asked if the Commission could condition the project that the applicant destroys the area. Mr. Carrington said that it is the City's responsibility, not the applicant.

Chair Williams said that since this project is going to Council for approval, staff could condition the project to make City Council aware of the issue because he felt that the City is putting the applicant at risk with City property and that it would be possible for the structure to slide on their property.

Assistant City Attorney Pio Roda said that he wouldn't recommend putting this as a condition of approval without talking to the property owner because it is still City property and the owner had expressed no desire to purchase it. However it could be included in the Planning Commission recommendations that the City consider abandoning or vacating this property. As for the liability issues, he doesn't think the City will be liable because the property owner is taking the property subject to the risk of the area such as it being in the landslide tow and it's within a fault area, which will be recorded.

Commissioner Ciardella said when he looks at the fence line on the north east side of the property, he asked if the property goes all the way to the start of abandoned Old Piedmont Road, or does it just stop at the fence line. Ms. Hom said that the property line is the fence line.

Commissioner Ciardella asked about the triangular piece of property and asked who owns the land. Ms. Hom said that the landowner owns it.

Commissioner Ciardella said that he would like to see that area landscaped and Ms. Home said that staff's rationale for not landscaping that area is to preserve the natural setting of the hillside and leaving certain vistas in its natural state.

Commissioner Ciardella asked if the City requires a bulldozed area of dirt, which would act like a firebreak. Ms. Hom said that because the home is set near the front property line fire access is being met. Trucks can park along Piedmont Road and access can be obtained 150 feet around the structure so there is no need for a hammerhead or turnaround on the site. There is also a fire hydrant in front of the property.

Commissioner Ciardella asked if the plants closest to the wrought iron fence are fire proof. Ms. Hom said that all of the plant material is taken from the suggested plant list from the City Council resolution recommendation list and they are fire retardant, drought resistant type of plants. Another condition states there is a ten-foot landscape easement to accommodate the streetscape, so within that area it will be all city streetscape and everything beyond that will be the landowner's landscaping.

Vice Chair Galang said he was concerned that the project site is located within the Berryessa fault and located near a landslide. He asked if the property could be moved to the east to avoid a potential hazardous earthquake. Ms. Hom said that with any seismic earthquake, it does affect natural and artificial slopes so there is always a potential hazard. When the Geological and Geotechnical report was prepared, they made recommendations and design considerations to ensure those impacts would be minimized. Part of the conditions of approval would require the applicant to comply with those recommendations and design considerations so those impacts are minimized.

Commissioner Mandal agreed with the Assistant City Attorney that staff couldn't condition the property owner to excavate the road if it belongs to the City. Ms. Hom said that any grading and demolition construction would be limited to their property.

Commissioner Mandal asked if the City owns the property in the back of Old Piedmont Road and Ms. Hom said yes.

In regards to impervious surface area, Chair Williams asked if the applicant is aware that they are maxed out and wouldn't be able to add any more. Ms. Hom said they are very much aware. The original proposal exceeded the amount of impervious area and now they are in conformance with the hillside area. See condition no. 7 that reads below:

*7. Impervious surface area shall not exceed 10% of the lot area or a maximum of 8,000 square feet, per the City of Milpitas Hillside Ordinance. (P)*

Chair Williams introduced the applicant.

John Ha, Architect, 510 Lawrence Expressway in Sunnyvale, said they have come very far to address the issues that the City is requiring. For example, the retaining wall is only to the rear of the property and the front iron fence is for security issues and will have landscaping. He doesn't understand the point the Commission brought up regarding construction traffic, however on the construction site, there will be a prep area large enough for trucks to come in and out. Regarding the rear of the property, at one point, the owner was in discussion with the City to acquire the property, however it is a lengthy process and the owner has decided not to move forward. He said the cul-de-sac is blocked off and there is a fence so there is no access to it. They tried to landscape as much as possible, and leave it pretty natural and are required to do weed abatement every year and required by the fire department to clean up the site every summertime. In regards to the impervious surface requirements, the applicant tried to be very creative and looked into using grass pave and impervious concrete and tried to maintain the water on the site as much as possible to try not to have any runoff. They also read all the conditions of approval and do not have any problems.

Chair Williams asked if the photo simulation the applicant provided was in their packet and Ms. Hom said no. Chair Williams suggested in the future for staff to make a photo simulation for a project available to the Commission before the meeting.

Commissioner Mandal asked if the homeowner has decided to use solar energy. Mr. Ha said not at this time, however he will bring it up to the owner and felt it was a good recommendation.

Commissioner Mandal asked if solar energy is cost effective. Mr. Ha said it is still costly however the prices are coming down and PG&E offers rebates to those who use solar energy.

Commissioner Ali-Santosa said that he was glad the applicant brought up the point that trucks will not be parked on Piedmont Road during construction.

Commissioner Ciardella said the home looks like it is sitting there between some fields and felt that maybe the owner could add some olive trees and Mr. Ha said that would be fine.

Chair Williams opened the public hearing.

Steve Bunnell, 2110 Seacliff Drive, Milpitas, addressed the Commission with the following concerns:

- He was concerned that the property had various owners including Shapell and asked if Council denied building on this lot for any reason.
- He was concerned that the Hayward fault is right in the center of the property and requested an up to date seismic study.
- He was concerned that there was hillside slippage heading directly through the property.
- He was concerned about the cul-de-sac and wants to make sure the City does not release the easement. The court is critical for Fire engines to be able to turn around on Old Piedmont Road. He also wants to make sure the City retain Utility easement rights on the abandoned section of Old Piedmont Road to the east of the property.
- He was concerned that the lot is very high in relation to the curb along Piedmont Road and the lot is at least five feet higher than the curb. With a 17 ft. high home, it will stand just as high as a two-story home. He said that all homes built along the scenic corridor must be single story.
- He was concerned that the conditions of approval call for only one fire hydrant and that the nearest fire hydrant is 1000 feet north of the hydrant that is to be installed. He requested that the owner add two fire hydrants along their front property and use the utility easement to install one on the court above the property.
- He requested that the Commission delay the project until staff can review the history of City Council decisions regarding this property. He also recommended that whenever any possible hillside projects come up, the City advertise the projects in a better way.

Motion to close the public hearing.

M/S: Azevedo/Mandal

AYES: 7

NOES: 0

Mr. Carrington said that staff can presume that nothing was built in the pass. Ms. Hom said that in review of the background site, staff reviewed the tentative tract map application and it didn't give much information on why the particular site wasn't developed. The major deterrent was the fact that they had to trench over the 72-inch aqueduct and discouraged owners from going further.

Commissioner Mandal asked what is the requirement for fire hydrants. Ms. Hom said that any dwelling located more than 500 feet from a hydrant is considered to be without adequate piped water supply for fire protection. Such dwelling must be supplied with a gravity or pressurized water supply system with a 2 ½" standard fire connection that will deliver a minimum of 200 gallons per minute for 20 minutes. Plans for hydrant system shall be submitted to the Fire Dept. for review and approval prior to any work on such system.

Commissioner Mandal asked staff if they sent letters to the neighbors and Ms. Hom said yes.

Chair Williams asked staff to repeat Mr. Bunnell's concerns. Veronica Bejines, Recording Secretary noted that Mr. Bunnell requested that staff provide an up to date seismic study and add another fire hydrant.

**Motion** to continue "S" Zone Approval No. SZ2005-12 to the first meeting in May and for staff to follow up on Mr. Bunnell's questions and concerns.

M/S: Azevedo/Galang

AYES: 4 (Azevedo, Ali-Santosa, Mandal and Galang)

NOES: 3 (Williams, Ciardella and Tabladillo)

## **X. NEW BUSINESS**

### **2. PRESENTATION OF THE 2006-2011 CAPITAL IMPROVEMENT PROGRAM (CIP)**

Greg Armendariz, Public Works Director and Doug Devries, Associate Civil Engineer, presented the CIP program, providing an overview of the proposed 2006 – 2011 CIP Annual Report. They recommended the Commission find the proposed 2006-2011 CIP in conformance with the General Plan and recommend the Proposed Capital Improvement Program to City Council.

Commissioner Tabladillo asked about the master plan for the parks. Mr. Armendariz said that the current plan is approximately 15 to 20 years of age and staff will be redoing the master plan. Current needs are to rehabilitate aging parks and move forward with park areas in the new transit area and future BART area.

Commissioner Mandal asked where the main pump is located for \$9.2 million dollars. Mr. Armendariz said it is located at the very northwest corner of Milpitas at McCarthy Blvd. near Dixon Landing Road and is surrounded by trees.

Commissioner Mandal asked if the pump will suffice with the increased development in the City. Mr. Armendariz said the pump is being designed so that it can serve now and in the near future and expand to account for future growth. The expansion will consist of adding existing pumps to the station.

Commissioner Mandal asked if sewer fees that are generated from residents fund any of the programs. Mr. Armendariz said that staff has looked at various options to fund the pump station replacement. One was to wait until the City saved enough money for the replacement, however the investment rate of return currently would be less than the rate of construction cost increases. Construction costs have been hit very hard with Hurricane Katrina damage and are in the double digits. Staff looked at bonding and was concerned that the bond would not cause dramatic increase in the rate so staff utilized a feasibility utility master plan that looks at future needs and projecting rate structures and with the bond are able to stay with the rate structure.

On page 49, for the South Park Victoria Drive project, Commissioner Ciardella asked what is the administration fund for \$40,000. Mr. Armendariz said that administration costs includes record keeping, auditing, developing and tracking of schedules as well as design.

For the same project, Commissioner Ciardella asked what is the other fund for \$4,706. Mr. Devries said that it is for environmental work.

On page 145 for minor traffic projects, Commissioner Ciardella asked what is the other fund for \$107,957. Mr. Armendariz said that it could be for something that doesn't fall in the other categories. Mr. Devries added that staff is trying to clean up the books and are closing a lot of projects this year to start fresh, that way staff can keep better track next year.

Commissioner Ciardella said that fuel costs were astronomical last year and material costs went very high. He asked if staff estimated those numbers in the project. Mr. Armendariz said that for the resurfacing project, staff had an asphalt price adjustment as part of the California State Asphalt Index. When the project was originally awarded, prices skyrocketed. There is a provision in the contract to increase the cost and that is part of the contract with a contingency plan to be fare with the contractors.

Mr. Devries added that it is a challenge to keep up with the estimates to keep up with inflation and construction costs especially for long-term projects.

Vice Chair Galang asked what is the status of the improvements of the large gym. Mr. Devries said that currently the gym will not be treated as a care and shelter facility because of the lack of funding from FEMA. However there will be other improvements made to the air conditioning units, roofing repairs, flooring replacement and bleacher repairs that will be funded from the RDA.

Mr. Armendariz clarified that the structural upgrades will not be done that are necessary to designate the gym as a care and shelter facility because that would require the structural upgrades necessary to make the building sustain an earthquake and be usable after an event.

Commissioner Tabladillo said if the gym is not seismically updated, where would the citizens go. Mr. Armendariz said that all of the schools would be the essential facilities to house under an emergency situation for residents. So all of the schools are designed and have been upgraded to sustain a major event and to be usable afterwards.

Commissioner Tabladillo asked Mr. Armendariz to define a major event. Mr. Armendariz said that a major event would cause structural damage to one or more facilities and renders the facilities unusable such as a bridge or multi story structure or housing.

Chair Williams said that there are many streets in Milpitas with potholes that are in definite need of maintenance and asked how does the City prioritize street needs. Mr. Armendariz said that a third of the streets are reviewed annually by looking at the conditions and are then entered in a database with a rating. The streets with the worst rating get fixed first. Milpitas has a rating of 76 out of 100 as part of the pavement condition index for all roadways compared to San Jose whose rating is under 60.

Chair Williams asked for clarification on the GIS program. Terry Medina, Deputy Director of Information Services, said that every goal established for the GIS program has been completed and the \$38,000 for next year is truly the last year of doing additional bells and whistles. The City has a GIS system that is utilized on a daily basis. It is utilized on the police and public safety system to help officers and fire staff in the fields to determine the fastest routes to different incidents. It also helps identify utilities location if a water line breaks for gas line breaks. Staff has also contracted with other agencies for GIS services and updated the aerial photograph several times. It would be a waste to update the system on an annual basis because of future development so the project will be closed out on June 30, 2007. If there is a need to add some additional components to the GIS system, it would be done through a normal funding source or it will be considered as part of the Capital Improvement Program.

Commissioner Ciardella asked if RDA money is being used to fund the projects. Mr. Armendariz said that the City is faced with less RDA money, which is being used instead for the Midtown redevelopment of the library.



In regards to street maintenance, Commissioner Mandal asked if staff takes public input. Mr. Armendariz said that staff responds to complaints quickly and lets residents know their assessment. If the situation is not that bad, staff will explain where the street ranks and lets them know the City's other priorities.

**XI.  
ADJOURNMENT**

The meeting was adjourned at 9:34 p.m. to the next regular meeting of April 26, 2006.

Respectfully Submitted,

Tom Williams  
Planning and Neighborhood Services  
Director

Veronica Bejines  
Recording Secretary